

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

FIFTY-FIRST LEGISLATIVE DAY
TUESDAY, MARCH 3, 2009

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 67 members present.
Absent and excused – Collins, Roberts, Ruchti. Total – 3.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Spencer Powell, Page.

Approval of Journal

March 3, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fiftieth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

Consideration of Messages from the Governor and the Senate

OFFICE OF THE GOVERNOR
Boise

March 3, 2009

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

[H 1](#), [H 2](#), [H 18](#), [H 28](#), [H 85](#), and [H 86](#)

As Always - Idaho, "Esto Perpetua"
/s/ C.L. "Butch" Otter
Governor

March 2, 2009

Mr. Speaker:

I transmit herewith [S 1080](#) and [S 1096](#) which have passed the Senate.

WOOD, Secretary

[S 1080](#) and [S 1096](#) were filed for first reading.

Report of Standing Committees

March 2, 2009

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [S 1091](#) and recommend that it do pass.

LAKE, Chairman

[S 1091](#) was filed for second reading.

March 2, 2009

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [H 145](#) and report it back with amendments attached to be placed on General Orders for consideration.

BLOCK, Chairman

[H 145](#) was placed on General Orders for consideration.

March 2, 2009

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration [H 125](#), [H 126](#), [H 127](#), and [S 1070](#) and recommend that they do pass.

TRAIL, Chairman

[H 125](#), [H 126](#), [H 127](#), and [S 1070](#) were filed for second reading.

March 3, 2009

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [SCR 103](#) and recommend that it be referred to the Environment, Energy, and Technology committee.

BLOCK, Chairman

[SCR 103](#) was referred to the Environment, Energy, and Technology committee.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 25 BY STATE AFFAIRS COMMITTEE A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF STATUTORY PROVISIONS OF THE IDAHO CODE AND ANY APPLICABLE RULES

RELATING TO THE SOIL CONSERVATION COMMISSION
AND SOIL CONSERVATION DISTRICTS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, beginning in 1940, Soil Conservation Districts were being established in Idaho. Since that time, districts have been dedicated to conserving renewable resources and using sound management practices. Districts promote clean water and productive soils and strive to ensure that decisions on conservation problems are made at the local level by local people. There are fifty-one Soil Conservation Districts within the state of Idaho; and

WHEREAS, the Soil Conservation Commission was originally established in Idaho in 1939 as an independent commission, with three members, all appointed by the governor, to help form and coordinate Soil Conservation Districts. In 1967, the members were increased to five; and

WHEREAS, in 1974, Idaho underwent a large-scale Executive Branch reorganization, and during this reorganization, the Soil Conservation Commission was placed within the Department of Lands; and

WHEREAS, in 1997, the commission was placed under the Department of Agriculture but the authority of the commission was left largely intact; and

WHEREAS, a full-scale review of all statutory provisions of the Idaho Code, and any applicable rules, relating to the Soil Conservation Commission and Soil Conservation Districts will serve to inform the Legislature of whether the provisions are sufficient to provide the authority, in relation to funding, management and all other powers and duties, upon which the commission and districts may operate as intended by the Legislature.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized to appoint a committee to undertake and complete a study of statutory provisions of the Idaho Code, and any applicable rules, relating to the Soil Conservation Commission and Soil Conservation Districts. The purpose of the review is to determine whether the provisions are sufficient to provide the authority, in relation to funding, management and all other powers and duties, upon which the commission and districts may operate as intended by the Legislature. The committee shall consist of eight legislators, with four from the Senate and four from the House of Representatives. The Legislative Council shall authorize the committee to receive input, advice and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that the Legislative Council is authorized to also appoint ad hoc legislative members to serve on the committee.

BE IT FURTHER RESOLVED that any advisors to the committee who are not legislative members shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges regarding the committee's recommendations and proposed legislation.

BE IT FURTHER RESOLVED that the committee shall make a report detailing its findings, recommendations and proposed legislation, if any, to the Second Regular Session of the Sixtieth Idaho Legislature.

HOUSE CONCURRENT RESOLUTION NO. 26
BY STATE AFFAIRS COMMITTEE
A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE;
AUTHORIZING AND ENCOURAGING THE IDAHO
STATE HISTORICAL SOCIETY TO CONDUCT A
STUDY OF IDAHO'S HISTORIC AGRICULTURAL
BUILDINGS; AND ENCOURAGING THE IDAHO STATE
HISTORICAL SOCIETY TO REPORT ITS FINDINGS AND
RECOMMENDATIONS TO THE GOVERNOR AND TO THE
LEGISLATURE.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, Idaho historic agricultural buildings are witnesses to the role of agriculture in our state's history and its economy and serve as scenic landmarks for residents and visitors alike; and

WHEREAS, historic agricultural buildings across Idaho symbolize important Idaho values of heritage, hard work, productivity and an attachment to the land and the people who built them; and

WHEREAS, historic agricultural buildings uphold the historic rural qualities of Idaho's landscape, along with providing a picturesque atmosphere for the state's citizens and visitors to enjoy; and

WHEREAS, these structures provide insight into our distinctive agricultural history and heritage, as well as a visual description of Idaho rural life, both past and present; and

WHEREAS, the Idaho State Historical Society's State Historic Preservation Office and local historic preservation commissions across Idaho have recorded historic agricultural buildings for both the National Register of Historic Places and the Idaho Historic Sites Inventory; and

WHEREAS, while historic agricultural buildings are cherished by many Idaho residents and visitors, many can no longer produce the necessary income to prevent damage by decay or demolition, or the structures become threatened when the surrounding land is removed from active agricultural use; and

WHEREAS, as a result of such threats, the landscape of Idaho's agricultural environment is rapidly disappearing and with it an invaluable part of Idaho's history is also disappearing, as are opportunities for rural economic development; and

WHEREAS, many states, including Iowa, Washington, Vermont, New York and Illinois have enacted legislation creating preservation and restoration programs to assist owners of historic agricultural buildings with their efforts to preserve these cultural and architectural treasures for education, enjoyment, and the economic benefit of this and future generations.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Idaho State Historical Society's State Historic Preservation Office, in consultation with the Idaho Department of Commerce, the Idaho Heritage Trust, Preservation Idaho, and such other entities as the Idaho State Historical Society deems necessary, is authorized and encouraged to conduct a study of Idaho historic agricultural buildings, including:

- (1) Current historic agricultural restorations and preservation efforts and needs in Idaho;
- (2) The benefits that a historic agricultural building restoration and preservation program in Idaho could have on tourism and other economic development activities in rural areas; and
- (3) Programs and incentives in place in other states to promote historic agricultural building restoration and preservation.

BE IT FURTHER RESOLVED that the Idaho State Historical Society is encouraged to report its findings and recommendations for Idaho's efforts to better record and preserve Idaho historic agricultural buildings to the Governor and the Legislature by December 31, 2010.

**HOUSE CONCURRENT RESOLUTION NO. 27
BY EDUCATION COMMITTEE
A CONCURRENT RESOLUTION**

STATING FINDINGS OF THE LEGISLATURE AND
ENCOURAGING SUPPORT FOR EXISTING AND NEW
INNOVATIVE PRACTICES AND APPROACHES TO PUBLIC
EDUCATION IN A TIME OF ECONOMIC UNCERTAINTY.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, Idaho and the nation have entered unsettled economic times that may reduce tax revenues for years to come; and

WHEREAS, an educated citizenry is necessary for the continuation of a republican form of limited government; and

WHEREAS, the current economic crisis requires legislators and educators to consider innovative approaches to public education that will maintain or improve current academic successes while possibly operating with fewer funds; and

WHEREAS, a cost-effective and quality education system requires active cooperation between students, parents and teachers; and

WHEREAS, clear and concise goals give unified purpose and direction and create a more efficient public education system.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we:

(1) Encourage the Idaho State Department of Education and the Idaho State Board of Education to work with local school districts and local school boards to find ways to improve educational outcomes even in times of reduced funding;

(2) Support efforts that ensure as many resources as possible reach the classroom where they best serve the students;

(3) Seek to boost student academic achievement by increasing student desire to learn and enabling parents to become more active in the learning process;

(4) Consider wise policies that improve educational outcomes while giving school districts more flexibility.

BE IT FURTHER RESOLVED that the Legislature of the State of Idaho encourage support for existing innovative school practices and for the consideration of new ideas including, but not limited to:

(1) Grade acceleration exit exams to encourage students who have demonstrated academic readiness to move ahead by subject matter or by grade level;

(2) Early graduation for students who have demonstrated that they are college ready, and consider options that may allow a portion of the money that would have been expended to follow students to their next level of education;

(3) The exploration of other innovations that lead to greater student academic achievement and school improvement;

(4) The strengthening of programs, when possible, to ensure every student graduates with a marketable skill.

HCR 25, HCR 26, and HCR 27 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

S 1080, by Commerce and Human Resources Committee, was introduced, read the first time by title, and referred to the Business Committee.

S 1096, by Commerce and Human Resources Committee, was introduced, read the first time by title, and referred to the State Affairs Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

H 55, by Health and Welfare Committee, was read the second time by title and filed for third reading.

H 193 and H 199, by Education Committee, were read the second time by title and filed for third reading.

SP 101, by State Affairs Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Nonini asked unanimous consent that H 157 be placed on General Orders for consideration. There being no objection it was so ordered.

Mr. Labrador asked unanimous consent that H 155 be placed on General Orders for consideration. There being no objection it was so ordered.

Mr. Lake asked unanimous consent that H 160 be placed on General Orders for consideration. There being no objection it was so ordered.

H 103 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Labrador to open debate.

The question being, "Shall H 103 pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Rusche, Sayler, Schaefer(Kupser), Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Collins, Roberts, Ruchti. Total – 3.
Total – 70.

Whereupon the Speaker declared that [H 103](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 194](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Gibbs to open debate.

The question being, "Shall [H 194](#) pass?"

Pursuant to Rule 38(3), Mr. Gibbs disclosed a conflict of interest regarding [H 194](#).

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boyle, Chadderdon, Clark, Crane, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Jarvis, Kren, Labrador, Loertscher, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Patrick, Pence, Raybould, Schaefer(Kupser), Shepherd(02), Shepherd(08), Shirley, Simpson, Stevenson, Takasugi, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 47.

NAYS – Boe, Bolz, Burgoyne, Chavez, Chew, Cronin, Durst, Higgins, Killen, King, Lake, Luker, Marriott, Pasley-Stuart, Ringo, Rusche, Saylor, Smith(30), Smith(24), Thayn. Total – 20.

Absent and excused – Collins, Roberts, Ruchti. Total – 3.
Total – 70.

Whereupon the Speaker declared that [H 194](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 185](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. McGeachin to open debate.

The question being, "Shall [H 185](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Rusche, Saylor, Schaefer(Kupser), Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Collins, Roberts, Ruchti. Total – 3.
Total – 70.

Whereupon the Speaker declared that [H 185](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bill on the Third Reading Calendar retain its place for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Wednesday, March 4, 2009. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 12 noon

LAWERENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk